

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1777**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Miscellaneous Bills and Resolutions, April 18, 2002, with recommendation that the House Committee Substitute for House Bill No. 1777 Do Pass.

TED WEDEL, Chief Clerk

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**AN ACT**

To repeal sections 44.023, 306.124, 307.177, 407.472, 570.030, 571.020, 574.115, and 578.008, RSMo, and to enact in lieu thereof thirteen new sections relating to terrorism, with penalty provisions and an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 44.023, 306.124, 307.177, 407.472, 570.030, 571.020, 574.115, and  
2 578.008, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as  
3 sections 44.023, 304.370, 306.124, 307.177, 407.472, 407.760, 407.762, 569.072, 570.030,  
4 571.020, 574.115, 576.080, and 578.008, to read as follows:

44.023. 1. The Missouri state emergency management agency shall establish and  
2 administer an emergency volunteer program to be activated in the event of [an earthquake or  
3 other natural] **a** disaster whereby volunteer architects and professional engineers registered under  
4 chapter 327, RSMo, and construction contractors, equipment dealers and other owners and  
5 operators of construction equipment may volunteer the use of their services and equipment,  
6 either manned or unmanned, for up to three days as requested and needed by the state emergency  
7 management agency.

8 2. In the event of [an earthquake or other natural] **a** disaster, the enrolled volunteers  
9 shall, where needed, assist local jurisdictions and local building inspectors to provide essential  
10 demolition, cleanup or other related services and to determine whether buildings affected by [an  
11 earthquake or other natural disaster] **a**:

12 (1) Have not sustained serious damage and may be occupied;

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

- 13           (2) Must be vacated temporarily pending repairs; or  
14           (3) Must be demolished in order to avoid hazards to occupants or other persons.  
15           3. Any person when utilized as a volunteer under the emergency volunteer program shall  
16 have his incidental expenses paid by the local jurisdiction for which the volunteer service is  
17 provided.  
18           4. Architects and professional engineers, construction contractors, equipment dealers and  
19 other owners and operators of construction equipment and the companies with which they are  
20 employed, working under the emergency volunteer program shall not be personally liable either  
21 jointly or separately for any act or acts committed in the performance of their official duties as  
22 emergency volunteers except in the case of willful misconduct or gross negligence.  
23           5. Any individuals, employers, partnerships, corporations or proprietorships, that are  
24 working under the emergency volunteer program providing demolition, cleanup, removal or  
25 other related services, shall not be liable for any acts committed in the performance of their  
26 official duties as emergency volunteers except in the case of willful misconduct or gross  
27 negligence.

**304.370. 1. For the purpose of this section, hazardous materials shall be defined  
2 pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and amended.**

**2. No person shall transport hazardous materials in or through any highway tunnel  
3 in this state.**

**3. No person shall park a vehicle containing hazardous materials within three  
4 hundred feet of any highway tunnel in this state except as provided pursuant to Part 397,  
5 Title 49, Code of Federal Regulations, as such regulations have been and may periodically  
6 be amended.**

**4. Any person who is found guilty or pleads guilty to a violation of this section shall  
7 be guilty of a class B misdemeanor. Any person who is found guilty or pleads guilty to a  
8 second or subsequent violation of this section shall be guilty of a class A misdemeanor.  
9 Violations of this section shall be enforced pursuant to section 390.201, RSMo.**

          306.124. 1. (1) "Aids to navigation" means buoys, beacons or other fixed objects in the  
2 water which are used to mark obstructions to navigation or to direct navigation through safe  
3 channels.

          (2) "Regulatory markers" means any anchored or fixed markers in or on the water or  
4 signs on the shore or on bridges over the water other than aids to navigation and shall include  
5 but not be limited to bathing markers, speed zone markers, information markers, danger zone  
6 markers, boat keep-out areas, and mooring buoys.

          2. The Missouri state water patrol after a public hearing pursuant to notice thereof  
7 published not less than ten days prior thereto in each county to be affected may provide for the

10 uniform marking of the water areas in this state through the placement of aids to navigation and  
11 regulatory markers. The Missouri state water patrol shall establish a marking system compatible  
12 with the system of aids to navigation prescribed by the United States Coast Guard. No city,  
13 county, or person shall mark or obstruct the water of this state in any manner so as to endanger  
14 the operation of watercraft or conflict with the marking system prescribed by the state water  
15 patrol.

16 **3. Whenever, due to any actual or imminent man-made or natural disaster, the**  
17 **navigation or use of any waters of this state presents an unreasonable danger to persons**  
18 **or property, the Missouri state water patrol may, with the consent of the director of the**  
19 **department of public safety, close such waters by the placement of regulatory markers.**

20 **4.** The operation of any watercraft within prohibited areas that are marked shall be  
21 prima facie evidence of negligent operation.

22 [4.] **5.** It shall be unlawful for any person to operate a watercraft on the waters of this  
23 state in a manner other than that prescribed or permitted by regulatory markers.

24 [5.] **6.** No person shall moor or fasten a watercraft to or willfully damage, tamper,  
25 remove, obstruct, or interfere with any aid to navigation or regulatory marker established  
26 pursuant to sections 306.010 to 306.126.

307.177. 1. It is unlawful for any person to operate any bus, truck, truck-tractor and  
2 trailer combination, or other commercial motor vehicle and trailer upon any highway of this  
3 state, whether intrastate transportation or interstate transportation, transporting materials defined  
4 and classified as hazardous by the United States Department of Transportation pursuant to Title  
5 49 of the Code of Federal Regulations, as such regulations have been and may periodically be  
6 amended, unless such vehicle is equipped with the equipment required by and be operated in  
7 accordance with safety and hazardous materials regulations for such vehicles as adopted by the  
8 United States Department of Transportation.

9 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
10 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of  
11 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were  
12 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.

13 3. Failure to comply with the requirements of this section may result in the commercial  
14 motor vehicle and trailer and driver of such vehicle and trailer being placed out of service.  
15 Criteria used for placing drivers and vehicles out of service are the North American Uniform  
16 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United  
17 States Department of Transportation, as such criteria have been and may periodically be  
18 amended.

19 **4. Violation of this section shall be deemed a class A misdemeanor.**

407.472. 1. When it appears to the attorney general that a person has engaged in, is  
engaging in or is about to engage in any method, use, act or practice declared to be unlawful by  
sections 407.450 to 407.478, **or when it appears that any funds solicited by or on behalf of  
any charitable organization are being used, or are about to be used for an unlawful  
purpose**, or when he believes it to be in the public interest that an investigation should be made  
to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in any  
such act or practice he may issue and cause to be served a civil investigative demand to assist in  
the investigation of the matter. The issuance and enforcement of each civil investigative demand  
shall be in compliance with all of the terms and provisions of sections 407.040 to 407.090.

2. Whenever it appears to the attorney general that a person has engaged in, is engaging  
in, or is about to engage in any method, use, act, or practice declared to be unlawful by sections  
407.450 to 407.478, **or when it appears that any funds solicited by or on behalf of any  
charitable organization are being used, or are about to be used for an unlawful purpose**,  
he may bring an action pursuant to section 407.100 for an injunction prohibiting such person  
from continuing such methods, uses, acts, or practices, or engaging therein, or doing anything  
in furtherance thereof. In any action brought by the attorney general [under] **pursuant to** this  
subsection all of the provisions of sections 407.100 to 407.140 shall apply thereto.

**407.760. 1. For the purpose of this section and sections 407.762 to 407.764, the  
definitions set forth in section 407.010 shall apply, and in addition the following terms shall  
mean:**

(1) "Consumer market disruption", an actual change in the market for essential  
consumer merchandise due to stress of weather, convulsion of nature, strike, civil disorder,  
war, act of terrorism, or military action, and officially declared as a statewide emergency  
or disaster. The term consumer market disruption shall not include statewide emergencies  
or disasters declared by an Executive Order to access the rainy day fund, to balance the  
state budget, or any similar emergency or disaster;

(2) "Essential consumer merchandise", merchandise used, bought, or rendered  
primarily for personal or business purposes and essential to the health, safety, or welfare  
of consumers.

**407.762. 1. It shall be unlawful for any person to exercise unfair leverage when  
selling essential consumer merchandise during a consumer market disruption.**

**2. Whether a sale constitutes an exercise of unfair leverage is a matter of law for  
the court to determine.**

**3. Any of the following may be offered as evidence of the exercise of unfair  
leverage:**

(1) A gross disparity between the price at which the seller sold the essential

8 consumer merchandise and the seller's price for any similar sale made in the usual course  
9 of business immediately before the onset of the consumer market disruption; or

10 (2) A gross disparity between the price at which the seller sold the essential  
11 consumer merchandise and the price at which the same or comparable essential consumer  
12 merchandise was readily available to consumers in the trade area at the time of the sale.

13 4. A seller may rebut an allegation of exercising unfair leverage with evidence that  
14 the seller did not exercise unfair leverage, including but not limited to evidence that any  
15 gross disparity in price was justified by a corresponding gross disparity in costs imposed  
16 on the seller and not within the seller's control.

17 5. A person who violates the provisions of this section may be liable for:

18 (1) Restitution to any consumer against whom the person exercised unfair leverage  
19 in violation of this section; and

20 (2) A civil penalty to the state of Missouri in an amount not to exceed the greater  
21 of three thousand dollars or twice the amount gained unlawfully in violation of this section.

22 6. Only the attorney general shall have authority to commence a civil action for a  
23 violation of this section.

569.072. 1. A person commits the crime of criminal water contamination if such  
2 person knowingly introduces any dangerous radiological, chemical, or biological agent or  
3 substance into any public or private waters of the state or any water supply with the  
4 purpose of causing death or serious physical injury to another person.

5 2. Criminal water contamination is a class B felony.

570.030. 1. A person commits the crime of stealing if he or she appropriates property  
2 or services of another with the purpose to deprive him or her thereof, either without his or her  
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution [under] pursuant  
5 to this section on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,  
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or  
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not  
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage  
13 from a hotel, inn or boardinghouse.

14 3. Stealing is a class C felony if:

15 (1) The value of the property or services appropriated is seven hundred fifty dollars or

16 more; or

17 (2) The actor physically takes the property appropriated from the person of the victim;

18 or

19 (3) The property appropriated consists of:

20 (a) Any motor vehicle, watercraft or aircraft; or

21 (b) Any will or unrecorded deed affecting real property; or

22 (c) Any credit card or letter of credit; or

23 (d) Any firearms; or

24 (e) A United States national flag designed, intended and used for display on buildings  
25 or stationary flagstaffs in the open; or

26 (f) Any original copy of an act, bill or resolution, introduced or acted upon by the  
27 legislature of the state of Missouri; or

28 (g) Any pleading, notice, judgment or any other record or entry of any court of this state,  
29 any other state or of the United States; or

30 (h) Any book of registration or list of voters required by chapter 115, RSMo; or

31 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

32 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or

33 (k) Any controlled substance as defined by section 195.010, RSMo; **or**

34 **(l) Ammonium nitrate.**

35 4. If an actor appropriates any material with a value less than one hundred fifty dollars  
36 in violation of this section with the intent to use such material to manufacture, compound,  
37 produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues,  
38 then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid  
39 nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class  
40 C felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank  
41 trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

42 5. The theft of any item of property or services [under] **pursuant to** subsection 3 of this  
43 section which exceeds seven hundred fifty dollars may be considered a separate felony and may  
44 be charged in separate counts.

45 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection  
46 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection  
47 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars  
48 is guilty of a class B felony.

49 7. Any violation of this section for which no other penalty is specified in this section is  
50 a class A misdemeanor.

571.020. 1. A person commits a crime if [he] **such person** knowingly possesses,

2 manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) **An explosive, incendiary, or poison substance or material with the purpose to**  
5 **possess, manufacture, or sell an explosive weapon;**

6 (3) A machine gun;

7 [(3)] (4) A gas gun;

8 [(4)] (5) A short barreled rifle or shotgun;

9 [(5)] (6) A firearm silencer;

10 [(6)] (7) A switchblade knife;

11 [(7)] (8) A bullet or projectile which explodes or detonates upon impact because of an  
12 independent explosive charge after having been shot from a firearm; or

13 [(8)] (9) Knuckles.

14 2. A person does not commit a crime [under] **pursuant to** this section if his conduct:

15 (1) Was incident to the performance of official duty by the armed forces, national guard,  
16 a governmental law enforcement agency, or a penal institution; or

17 (2) Was incident to engaging in a lawful commercial or business transaction with an  
18 organization enumerated in subdivision (1) of this section; or

19 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful  
20 industrial or commercial enterprise; or

21 (4) Was incident to displaying the weapon in a public museum or exhibition; or

22 (5) Was incident to dealing with the weapon solely as a curio, ornament, or keepsake,  
23 or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon  
24 is a type described in subdivision (1), (3) or (5) of subsection 1 of this section it must be in such  
25 a nonfunctioning condition that it cannot readily be made operable. No short barreled rifle, short  
26 barreled shotgun, or machine gun may be possessed, manufactured, transported, repaired or sold  
27 as a curio, ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or  
28 collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968,  
29 U.S.C., Title 18, or unless such firearm is an "antique firearm" as defined in subsection 3 of  
30 section 571.080, or unless such firearm has been designated a "collectors item" by the Secretary  
31 of the Treasury pursuant to the U.S.C., Title 26, Section 5845 (a).

32 3. A crime [under] **pursuant to** subdivision (1), (2), (3), (4) [or], (5) **or** (6) of subsection  
33 1 of this section is a class C felony; a crime [under] **pursuant to** subdivision [(6),] (7) [or], (8)  
34 **or** (9) of subsection 1 of this section is a class A misdemeanor.

574.115. 1. A person commits the crime of making a [terroristic] **terrorist** threat if such  
2 person communicates a threat to [commit a felony] **cause an incident or condition involving**  
3 **danger to life, communicates** a knowingly false report [concerning the commission of any

4 felony] **of an incident or condition involving danger to life**, or knowingly [false report  
5 concerning the occurrence of any catastrophe] **causes a false belief or fear that an incident has**  
6 **occurred or that a condition exists involving danger to life:**

7 (1) [For] **With** the purpose of frightening [or disturbing] ten or more people;

8 (2) [For] **With** the purpose of causing the evacuation, **quarantine**, or closure of any  
9 **portion of a building, inhabitable structure, place of assembly, or facility of transportation; or**

10 (3) With reckless disregard of the risk of causing the evacuation, **quarantine**, or closure  
11 of any **portion of a building, inhabitable structure, place of assembly, or facility of**  
12 **transportation; or**

13 (4) **With criminal negligence with regard to the risk of causing the evacuation,**  
14 **quarantine, or closure of any portion of a building, inhabitable structure, place of**  
15 **assembly, or facility of transportation.**

16 2. Making a [terroristic] **terrorist** threat is a class C felony unless committed under  
17 subdivision (3) of subsection 1 of this section in which case it is a class D felony **or unless**  
18 **committed under subdivision (4) of subsection 1 of this section in which case it is a class A**  
19 **misdemeanor.**

20 3. [As used in this section:

21 (1) The term "threat" means an express or implied threat but does not include a report  
22 made in good faith for the purpose of preventing harm; and

23 (2) The term "catastrophe" is defined by section 569.070, RSMo] **For the purpose of**  
24 **this section, "threat" includes an express or implied threat.**

25 4. A person who acts in good faith with the purpose to prevent harm does not  
26 commit a crime pursuant to this section.

**576.080. 1. A person commits the crime of supporting terrorism if such person**  
2 **knowingly provides, attempts to provide, conspires to provide, or solicits any person or**  
3 **organization to provide material support to any organization designated as a foreign**  
4 **terrorist organization pursuant to 8 U.S.C. 1189, as amended. It is not an element of the**  
5 **offense that the person know that the organization has been designated as a foreign**  
6 **terrorist organization pursuant to 8 U.S.C. 1189.**

7 2. For the purpose of this section, "material support" includes currency or other  
8 financial securities, financial services, lodging, training, safehouses, false documentation  
9 or identification, communications equipment, facilities, weapons, lethal substances,  
10 explosives, personnel, transportation, and other physical assets, except medicine or  
11 religious materials.

12 3. Supporting terrorism is a class C felony.

578.008. 1. A person commits the crime of [spreading disease to livestock or animals]



2 **agroterrorism** if [that] **such** person purposely spreads any type of contagious, communicable  
3 or infectious disease among **crops, poultry**, livestock as defined in section 267.565, RSMo, or  
4 other animals.

5 2. [Spreading disease to livestock or animals] **Agroterrorism** is a class D felony unless  
6 the damage to **crops, poultry**, livestock or animals is ten million dollars or more in which case  
7 it is a class B felony.

8 3. It shall be a defense to the crime of [spreading disease to livestock or animals]  
9 **agroterrorism** if such spreading is consistent with medically recognized therapeutic procedures  
10 **or done in the course of legitimate, professional scientific research.**

Section B. Because of the immediate need for state emergency powers section A of this  
2 act is deemed necessary for the immediate preservation of the public health, welfare, peace, and  
3 safety, and section A of this act is hereby declared to be an emergency act within the meaning  
4 of the constitution, and this act shall be in full force and effect upon its passage and approval.